



RECEIVED

SEP 13 2001

TECH CENTER 1600/2900

PATENT

Attorney Docket No.: A-65635-1/RMS/DHR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NOLAN, GARRY P.

Serial No. ~~09/135,328~~

09/135,238

Filed: August 17, 1998

For: TOSO

Examiner: R. SHYKLA

Group Art Unit: 1632

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

Dated:

8.16.01

Signed:

Christine P. Peters

Christine P. Peters

INFORMATION DISCLOSURE STATEMENT WITH CERTIFICATION
UNDER 37 C.F.R. § 1.97(E)(2)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449.

This Information Disclosure Statement is being filed in accordance with 37 C.F.R. § 1.97(e)(2). The undersigned certifies that the item on the PTO form 1449, were not known to any individual designated in Section 1.56(c) more than three months prior to the filing of this information

Serial No. ~~09/135,328~~ **09/135,238**
Filed: August 17, 1998

disclosure statement, and no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application.

None of the foregoing references is believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

The required fee under 37 C.F.R. §1.17(p) is enclosed. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-65635-1/RMS/DHR).

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Dated: 8/15/01
Four Embarcadero Center
Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989

Robin M. Silva
Robin M. Silva
Reg. No. 38,304

PTO/SB/8A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO				Complete if Known Application Number <u>09/135,238</u> 09/135,238 Filing Date August 17, 1998 First Named Inventor Nolan, Garry P. Group Art Unit 1632 Examiner Name R. Shykla, Ph.D. Attorney Docket Number A-65635-1/DJB/RMS/DHR	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)					
Sheet		of	1		

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.

1060187

RECEIVED